

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Civil Action No.:

U.S. Citizen's Association)
Suite 200)
1655 W. Market St.)
Akron, OH 44313)
Plaintiff)
)
v.)
)
Office of Management and Budget)
Executive Office of the President)
Management and Operations Division)
725 17 th St., NW)
Washington, D.C. 20503)
Defendant)
)

COMPLAINT FOR INJUNCTIVE RELIEF

1. This is an action under the Freedom of Information Act ("FOIA") 5 U.S.C. S 522. Plaintiff seeks injunctive and other appropriate relief for the processing and release of agency records requested by plaintiff from the Office of Management and Budget, an agency within the Executive Office of the President.

JURISDICTION AND VENUE

2. This court has both subject matter jurisdiction over this action and personal jurisdiction over parties pursuant to 5 USC SS 552 (a) (4) (B) and 552 (a) (6) (c) (1). This court also has jurisdiction over this action pursuant to 28 USC S 133b venue lies in this district under S USC S 552 (a) (4) (b).

PARTIES

3. Plaintiff U.S. Citizens Association (USCA) is a non-profit public interest advocacy organization and civic league that educates the public about current affairs through newspaper advertisements, a web site and mailings. The USCA is

deeply interested in the public debate over health care reform and its possible impact on the economy, individual choice, taxation, privacy and constitutional issues. The organization has a usual place of business at 1655 W. Market St., Suite 200, Akron, OH 44313.

DEFENDANT

4. Defendant Office of Management and Budget (OMB), an agency of the Chief Executive, assists the President in the development and execution of his policies and programs. OMB has a hand in the development and resolution of all budget, policy, legislative, regulatory, procurement, e-gov, and management issues on behalf of the President. It has a usual place of business at 725 17th St., N.W., Washington, D.C. 20503.
5. The OMB maintains a Legislative Reference Division that coordinates articulation of the Administration's position on legislation. The Legislative Reference Division coordinates articulation of the Administrative position on legislation.
6. On its present website, the OMB indicates that it is playing a major role in the assembly information and formulating policy on healthcare reform.
7. On information and belief, a significant amount of secret negotiations have occurred between and among the Administration and Congress involving OMB's research and data.
8. On October 26, 2009, the plaintiff, by letter, requested from Dionne Hardy of the defendant's Freedom of Information Office, documents as follows:
 1. Any and all documents, e-mails, faxes and any other graphically recorded communications concerning health care reform sent from OMB to any agents, servants, and employees of:

- a. the Office of Senator Harry Reid
- b. the Senate Finance Committee
- c. the White House Office of Administration
- d. Rahm Emanuel
- e. Congresswoman Nancy Pelosi
- f. President Obama, or any individual acting in his behalf.

The time frame of these documents is from October 1, 2009 to October 26, 2009.

2. Any documents of any nature received from OMB relating to health care reform from:

- a. The Office of Senator Harry Reid
- b. The White House Office of Administration
- c. Rahm Emanuel
- d. Congresswoman Nancy Pelosi
- e. The Senate Finance Committee
- f. President Obama, or any person acting in his behalf.

See Ex. "A."

9. The defendant refused to waive the fees attendant to the request, even though the plaintiff is a not-for-profit, tax-exempt and civic organization with no commercial interest.
10. On January 29, 2010, the defendant sent a letter (Ex. "B") to the plaintiff explaining how the plaintiff would utilize the information and clarifying the tax-exempt status issue.
11. Not having received a reply, the plaintiff sent, on March 1, 2010, a letter appealing the de facto refusal of the defendant to waive the fees and to supply the documents (Ex. "C").

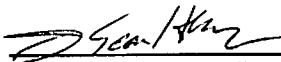
12. No further response has been received from the defendant. Telephone calls to the defendant's FOIA officer have never been returned.
13. Plaintiff has exhausted its administrative remedies.
14. Defendant has wrongfully withheld the requested records from the plaintiff.
15. Plaintiff is entitled to injunctive relief with respect to the release and disclosure of the requested documents.

REQUESTED RELIEF

Wherefore, plaintiff prays this Court

- A. Order defendant OMB to process immediately the requested records in their entirety.
- B. Order defendant, upon completion of such processing to disclose the requested records in their entirety and make copies available to the plaintiff.
- C. Award plaintiff costs and reasonable attorney's fees.
- D. Grant such other relief as the Court may deem just and proper.

Respectfully submitted,



J. Sean Hensley, #481451
Attorney for Plaintiff
4741 Sellman Rd.
Beltsville, MD 20705
(410) 206-3731
jshensley@gmail.com

Dated: April 7, 2010